

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-CT-3106-H

RONALD MAYBERRY,)
)
Plaintiff,)
)
v.)
)
WASHINGTON COUNTY)
CORRECTIONAL JAIL, et al.,)
)
Defendants.)

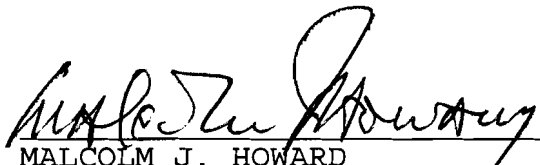
ORDER

This matter is before the court on plaintiff's motion for reconsideration of this court's November 5, 2009 order denying his request to extend the period to file an appeal. The court will construe this as a motion for relief from final judgment pursuant to Fed. R. Civ. P. 60(b).

Rule 60(b) authorizes the court to relieve a party from a final judgment, order, or proceeding for any one of six enumerated reasons. Under Rule 60(b), a movant first must demonstrate that the he acted promptly, that he has a meritorious claim or defense, and that the opposing party will not suffer prejudice. See Nat'l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264 (4th Cir. 1993); Augusta Fiberglass Coatings, Inc. v. Fodor Contracting Corp., 843 F.2d 808, 811 (4th Cir. 1988) (per curiam). If those threshold conditions are met, the court then must determine whether the movant has satisfied "one of the six enumerated grounds for relief under Rule 60(b)." Nat'l Credit Union Admin. Bd., 1 F.3d at 266.

After reviewing plaintiff's motion, the undersigned concludes that plaintiff has failed to meet the threshold requirement of demonstrating that he has a meritorious claim. Accordingly, plaintiff's motion for relief (DE # 46) from the court's November 5, 2009 order is DENIED.

SO ORDERED this 3 day of ^{June}~~May~~ 2010.


MALCOLM J. HOWARD
Senior United States District Judge

hbb